

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TRACY WEBB,

Plaintiff,

Case No. 3:17-cv-00350-MMD-WGC

v.

FEDERAL COURT STAFF, *et al.*,

Defendants.

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 5) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (ECF Nos. 1, 1-1.) Plaintiff had until August 16, 2017, to file an objection. To date, no objection to the R&R has been filed¹.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed.

¹ Plaintiff has apparently failed to file a notice of change to her address pursuant to LR IA 3-1 because orders from this Court have been returned as undeliverable. (ECF Nos. 4, 6.)

1 See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the
2 standard of review employed by the district court when reviewing a report and
3 recommendation to which no objections were made); see also *Schmidt v. Johnstone*,
4 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in
5 *Reyna-Tapia* as adopting the view that district courts are not required to review "any
6 issue that is not the subject of an objection."). Thus, if there is no objection to a
7 magistrate judge's recommendation, then the court may accept the recommendation
8 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without
9 review, a magistrate judge's recommendation to which no objection was filed).

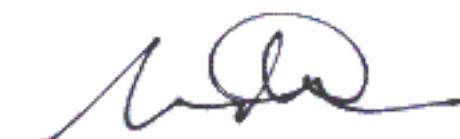
10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R
12 and proposed complaint, this Court finds good cause to accept and adopt the
13 Magistrate Judge's R&R in full.

14 It is therefore ordered, adjudged and decreed that the Report and
15 Recommendation of Magistrate Judge William G. Cobb (ECF No. 5) is accepted and
16 adopted in its entirety.

17 It is further ordered that this action be dismissed without prejudice.

18 The Clerk is directed to enter judgment in accordance with this Order and closed
19 this case.

20 DATED THIS 31st day of August 2017.



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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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